

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA :
: CRIMINAL INDICTMENT
v. :
: NO. 1:17-CR-224-AT-CMS
:
ALLEN PENDERGRASS :

UNOPPOSED MOTION FOR EXENSTION OF TIME TO RESPONDE TO
DEFENDANT's MOTION TO DISMISS THE INDICTMENT

COMES NOW, the UNITED STATES OF AMERICA ("Government"), through its counsel Byung J. Pak, United States Attorney for the Northern District of Georgia, and Jeffrey A. Brown, Assistant United States Attorney, files this Unopposed Motion for Extension of Time to Respond to Defendant's Motions to Dismiss Indictment. (Docs. 89-90.).

1.

On January 29, 2019, Defendant filed a Motion to Dismiss on Speedy Trial Violation (Post Indictment) and a Motion to Dismiss the Indictment Pursuant to The Fifth and Sixth Amendment (Pre-Indictment). (Docs. 89-90.) The Court ordered the government to respond to the motions by February 7, 2019. Government counsel mistakenly docketed his responses as being due on February 12, 2019. In addition,

government counsel has been responding to pretrial motions and preparing for trial in other cases and needs additional time to respond to Defendant's motions to dismiss the Indictment.

2.

The government now requests an extension of time to file its response to Defendant's motions to dismiss. The government requests that its response be due on Friday, February 15, 2019.

3.

Counsel for the government has conferred with counsel for Defendant, Saraliene Durrett, and she does not oppose the requested extension.

4.

The government requests that all relevant time be excluded from Speedy Trial. This period of delay is excludable because the ends of justice served by granting the extension outweigh Defendant's and the public's interest in speedy trial. 18 U.S.C. § 3161(h)(7)(A). The ends of justice are served in this case because the extension is necessary to give the parties reasonable time to possibly resolve this case and reasonable time for the government to fully respond to the issues raised in Defendant's motions. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

CONCLUSION

WHEREFORE, the government requests that this Court grant this Unopposed Motion for Extension of Time to File its Response to Defendant's Motions to Dismiss Indictment, and exclude all relevant time under the Speedy Trial Act. A proposed order is attached.

This 9th day of February, 2019.

Respectfully submitted,

BYUNG J. PAK
UNITED STATES ATTORNEY

/s/Jeffrey A. Brown
JEFFREY A. BROWN
ASSISTANT UNITED STATES ATTORNEY
600 U.S. Courthouse
75 Spring St., S.W.
Atlanta, GA 30303
404/581-6064
404/581-6181 (fax)
Georgia Bar No. 088131

CERTIFICATE OF SERVICE

I served this document today by filing it using the Court's CM/ECF system,
which automatically notifies the parties and counsel of record.

Saraliene Durrett

This 9th day of February, 2019.

/S/ Jeffrey A. Brown
JEFFREY A. BROWN
ASSISTANT UNITED STATES ATTORNEY